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Approved For Release 2003/07/31 : CIA-RDP84-00780R004300060044-3

Next 2 Page(s) In Document Exempt

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CONFIDENTIAL

DD/S 71-2322
Security 4

DD/S 71-2322

10 JUN 1971

MEMORANDUM FOR: Director of Training

SUBJECT : Text

Hugh:

On 5 May 1971 I sent a copy of a Memorandum for the Record of a meeting I had with Ed Proctor. Attached herewith is a 2 June memorandum from with an added buckslip note regarding the Part V question. I believe your course is now clear -- i.e., remove the present Part V and go on using the book internally and then undertake as you can the updating of the first four Parts. I'm sure you will want to touch base with the DD/I in the process of the revision.

R/S
Robert S. Wattles
Assistant Deputy Director
for Support

Atts

cc: DD/I, w/cy of Atts

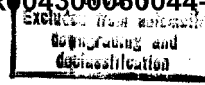
ADD/S:RSW/ms (9 June 71)

Distribution:

- Orig & 1 - Adse, w/cy of Atts (DD/S 71-2253)
- 1 - DD/S Chrono
- 1 - DD/S Subject, w/O of Atts & Background (DD/S 71-1811, 71-1435)
- 1 - RSW Chrono

Note: Also returned with this memo a copy of the text and the ICAF
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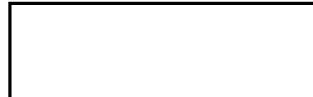


25X1

Mr. Wattle

Not knowing whether this
might be getting urgent at
this point, I briefed Mr.
Coffey on the position taken
by OGC.

He asked that this be
held for your return.



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UNCLASSIFIED		CONFIDENTIAL		SECRET	
OFFICIAL ROUTING SLIP					
TO	NAME AND ADDRESS		DATE	INITIALS	
1	Asst. Deputy Director for Support, Rm 7D 18, Hqs.				
2					
3					
4					
5					
6					
	ACTION		DIRECT REPLY	PREPARE REPLY	
	APPROVAL		DISPATCH	RECOMMENDATION	
	COMMENT		FILE	RETURN	
	CONCURRENCE		INFORMATION	SIGNATURE	
Remarks:					
<p>OGC agrees also that Part V would not be appropriate for use in an Agency training manual or program and should be permanently excluded. If it is excluded, my paragraph 4 becomes moot.</p> <div style="border: 1px solid black; width: 250px; height: 50px; margin: 10px auto;"></div> <p style="text-align: center;">Associate General Counsel</p>					
FOLD HERE TO RETURN TO SENDER					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
Rm 7D07, Hqs., 				2 June 71	
UNCLASSIFIED		CONFIDENTIAL		SECRET	

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OGC 71-0766

2 June 1971

MEMORANDUM FOR: Assistant Deputy Director for Support

SUBJECT : Title to [] Paper

25X1

1. This is in response to your request and that of Mr. Cunningham for our opinion concerning the ownership of the paper prepared by Mr. [] during the year he was at the Woodrow Wilson School at Princeton.

25X1

2. There would be three possible owners:

a. The Woodrow Wilson School. There would seem to be no basis for serious argument that Woodrow Wilson acquired title. The basic concept is that the product of one's mind and work is his own. Nothing in the Princeton catalog outlining the program nor in the Agency papers which selected Mr. [] for this training would suggest that Woodrow Wilson acquired title, or contends that it did. We believe title is not in Woodrow Wilson or in Princeton.

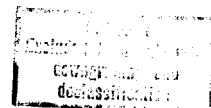
25X1

b. As between [] and the Agency, a basic principle, as mentioned, is that the intellectual product of one's own effort in ordinary course is his own. A conflicting and equally basic consideration in this case is that [] wrote the paper while attending, on Agency assignment and on full salary, the Woodrow Wilson Educational Program for Federal Officials. (Various additional expenses were borne by the Agency, including the expense of typing the manuscript.) Thus, his duties as a Government employee were to attend and perform the Woodrow Wilson program, one of the requirements of which was that participants "undertake a thoughtful essay."

25X1

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c. Although I think on the above facts alone we would have to conclude that title is in the Agency, the conclusion is strengthened by the fact that the subject matter and content of the paper were very much an outgrowth and result of Mr. [] experience and career with the Agency. In these circumstances and in the absence of a provision to the contrary in the Government Employees Training Act under which the training was provided, we hold that title to the work rests in the Agency. This view is consistent with the recent and leading Rickover case which distinguished between intellectual product drawn in part from one's government duties and intellectual work produced in the course of duty.

25X1

3. It should be noted that the relevant Executive Order (10501) permits a "confidential" classification only in the case of "defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation."

4. If the paper is rewritten, it is suggested that the terms "Congressional Surveillance" and "Executive Surveillance" be replaced with more apt expressions.

[]

25X1

Associate General Counsel

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USE ONLY



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SECRET

ROUTING AND RECORD SHEET

CONFIDENTIAL

SUBJECT: (Optional)

FROM: Assistant Deputy Director for Support
Rm 7D18, Hqs

EXTENSION

NO.

DATE

11 MAY 1971

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. General Counsel
Rm 7D01, HqsTo 1 -
Larry -

2.

Reference our conversation on Monday about the [] text, "Intelligence for National Policy" — attached are a copy of the book, a copy of a memorandum outlining OTR's proposed action, and a copy of a Memorandum for the Record of a conversation I had with Ed Proctor.

25X1

3.

4.

5.

6.

You'll note that Proctor feels the issue is clear and I'm inclined to agree with him, but we would like your opinion regarding ownership of the text.

7.

8.

151 Bdt
Robert S. Wattles

9.

3 Atts

10.

cc: DTR

11.

ADD/S:RSW/ms (11 May 71)

Distribution:

Orig RS - Adse, w/Atts (DD/S 71-71-1811 & 71-1435)

12.

1 - DD/S Chrono

13.

1 - DD/S Subject, w/O of Atts

14.

1 - RSW Chrono

15.

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FORM 10

610

USE PREVIOUS EDITIONS



SECRET



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INTERNAL USE ONLY



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DD/S 71-1811

5 MAY 1971

MEMORANDUM FOR THE RECORD

SUBJECT: [] Text

1. I met with Ed Proctor and [] to review the bidding on clearance of the [] text for use by OTR in CIA courses and related issues. First, it is Proctor's position that, since we were paying [] salary while he wrote the book, though he was at Princeton on a Wilson Fellowship, there is no question that we own it. However, he accepts that we should request an opinion from the General Counsel, but by no means should we give credence to [] claim by asking [] for a release. Among other things, this might set a bad precedent for other cases.

2. As to the use of the text itself, he takes a two-stage approach. First, for the time being, he agrees that we should remove the present Part V and use the book internally. The second stage is that OTR rewrite the text to update it and clean it up where necessary, and that the rewrite be in contemplation of permitting the text to be used in the Intelligence Community for training or other purposes. He argues, however, that, before any rewriting is done on the present Part V for re-inclusion in the revised text, further discussion should be held to determine whether the subjects covered in those two chapters be included in a revised form or whether they be permanently excluded from the text.

[]
Robert S. Wattles
Assistant Deputy Director
for Support

ADD/S:RSW/ms

Distribution:

- Orig - DD/S Subject
- 1 - DD/S Chrono
- 1 - General Counsel
- 1 - Director of Training
- 1 - RSW Chrono

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Excluded from automatic
downgrading and
declassification

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: Assistant Deputy Director for Support
Rm 7D18, Hqs

EXTENSION

NO.

DATE

11 MAY 1971

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director of Training
Rm 819, 1000 Glebe

To 1 -
Hugh -

2.

The attached should be self-explanatory. I'll be back to you when I have heard from the General Counsel.

3.

4.

5.

161 Bot
Robert S. Wattles

6.

2 Atts

7.

ADD/S:RSW/ms (11 May 71)

Distribution:

Orig RS - Adse, w/cys of Atts
(DD/S 71-1811)

8.

1 - DD/S Chrono

1 - DD/S Subject ✓

9.

1 - RSW Chrono

10.

11.

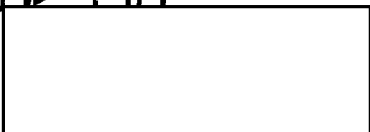
12.

13.

14.


15.

13W -

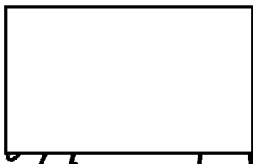
Ed Proctor telephoned
20 April having read
a copy of OTC memo
on  document.

He feels very positively
that the bulk copies
should be destroyed.
He says ① no question
that the document
belongs to agency (govt)

② it is badly out of date

③  trying build
own image

(over)

Will you get to Proctor
+ ask for copies of 
Correspondence (para 6)

and also more info
on out of date factor
and whether DDI has
any substantive
substitute.-----

Then pls on to OTR

(I'm inclined to Proctor.
views & admitted on limited
info & estimate of complications
OTR scheme)

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71-1435

16 APR 1971

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Reconsideration of Agency Limitations on
[] Text Distribution

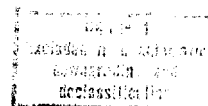
1. This memorandum contains recommendations for your approval and action in paragraph 9.

2. The [] Records Center has asked us to decide whether to retain or destroy the approximately 450 copies of [] [] by [] which have been stored there since December 1969. If the decision is for retention, the Records Center urges that all the copies be returned to OTR to make more storage room [] Since the original OTR investment in this publication was considerable in terms of cost and time, it seems an opportune moment to review the present restrictions on use of the volume. SIWA keeps about 200 copies in its vault for use particularly in the Intelligence and World Affairs Course, and about 50 are held by individual instructors and other Schools of OTR.

3. The text was written with the blessing of the then Executive Director, Mr. Kirkpatrick, while [] an OCI analyst, was on leave from OCI as a Woodrow Wilson Fellow at Princeton in [] After completion permission was requested to offer the study for commercial publication and it was actually cleared for this by the Special Assistant for Public Affairs and by the Office of Security. However, the then DDCI, Admiral Taylor, ruled otherwise. His reasons apparently were that publication of a study on intelligence by a CIA employee would not be appropriate and would cause public comment detrimental to the Agency, especially if the volume were identified as written by an overt employee. He particularly objected to the final section, [] Since the text filled a real gap in the general literature on intelligence production, the Intelligence School of OTR in agreement with [] published it For Official Use Only in 1967 for use and reference throughout the Agency and Community. We were unaware of the DDCI's objection to the final section.

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4. Shortly after it appeared and was in process of dissemination to other intelligence agencies as well as within this Agency, the DDCI ordered all copies recalled and classified Confidential on the grounds mentioned above. Further, the General Counsel ruled that Official Use Only was inadequate to keep the book out of the public domain under the recently passed Freedom of Information Act.

5. According to the then DDS, the change from Official Use Only to Confidential required stamping not only the cover of each copy, but the laborious and difficult chore of changing the markings on each page. In addition to this consideration, the process of retrieving all extant copies or of procuring certifications of destruction was so protracted -- over a five-month period -- that the Intelligence School simply decided to restrict dissemination to OTR, pending further instructions or guidance on the reclassification procedure. Because of the commotion stirred up by the episode, neither IS nor the then DTR cared to press for further guidance. The 750 copies -- stamped Confidential-Internal Use Only on the cover -- have since remained within OTR except for special releases of a very few on a need to know loan basis; e.g., the Executive Director okayed the use of one copy by the director of the "Need to Know" film.

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[REDACTED]

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recently wrote the DDI requesting reconsideration of the classification and distribution caveats to permit use of the volume in a DIS training project. A staffer in the Office of the DDI said [REDACTED] request was denied. Apparently it would have involved complete declassification and possibly even permission for commercial publication which, in view of the volume's history, is somewhat beyond what we regard as feasible. Another element in the refusal was a feeling that the volume is already outdated and should be revised before wider dissemination is considered.

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7. Looking ahead, we feel that one of SIMA's senior instructors with an intelligence production background should take on an updating of the volume. If our proposals in paragraph 9 below are accepted and the text is declassified, a revision could serve the broader use to which we now put [REDACTED] previously published unclassified volume [REDACTED] in the ICAF series. We now use the ICAF volume (the 1964 revision rather than the original 1959 edition) to augment the kits of unclassified material concerning the Agency which we provide to our students at the senior service schools and in other external training as appropriate. We also recommend it, despite its age, to many people we brief who want an unclassified book on production.

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8. Inasmuch as publication of such a revision would require up to two years, we feel it still useful to place the present [] volume in the hands of many who need educating on methods of producing intelligence for national policy. It is basically sound and the dated examples are excusable in any such work based on public sources. Our judgment when we undertook the project in 1967 still stands; it is the best of its kind on production and almost unique in fully rounding out the picture of intelligence as more than clandestine operations and activities.

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9. I therefore recommend:

a. That Part V of the text, the section to which Admiral Taylor objected, again be reviewed at the top-level of the Agency and a decision reached as to whether these objections are still valid for the whole section or only for part. For example, the excision of Chapter 11, alone, with its references to covert action, might satisfy current considerations of Agency policy while retaining the possibly useful discussion of controls over the Agency discussed in Chapter 12. Whether the decision is to delete one or both chapters, OTR will comply promptly.

b. After the decision as to what if any part should be deleted, that the General Counsel be requested to rule on the question of Agency ownership of the text, and, if necessary, secure a written release from [] authorizing the procedures and uses proposed below:

25X1

i. Excision of all or part of Part V, according to the decision in paragraph 9a; revision and reprinting of the Table of Contents to reflect any deletions.

ii. Such use of the text within the Agency and the Intelligence Community as the Agency deems appropriate.

iii. Updating of the text, by a competent analyst, for such future use and release as the Agency may consider appropriate.

c. Upon [] agreement, that authority be granted or sought to permit OTR:

i. to declassify the existing copies, after modification as described in 9a above, simply by removing the Confidential-Internal Use Only labels from the cover;

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ii. to release the text to training components and libraries of other Intelligence Community members as well as within the Agency.

Any other proposed uses would be submitted to you for approval.

10. Copies of the OTR text and of the ICAF volume are attached.

fn:
HUGH T. CUNNINGHAM
Director of Training

Atts

25X1

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